

The remaining issue of whether the Administrative Law Judge exceeded his jurisdiction in ordering temporary total disability compensation and medical benefits is not subject to Appeals Board review. The Administrative Law Judge has jurisdiction, pursuant to K.S.A. 44-534a, to order these requested benefits pending a full hearing on the claim. Accordingly, the Administrative Law Judge did not exceed his jurisdiction and since this

issue is not a jurisdictional issue enumerated in K.S.A. 44-534a(a)(2), the Appeals Board does not have authority to review the same.

(1)(2)(3) The Administrative Law Judge found that the claimant had met his burden of proof and ordered respondent to provide requested temporary total disability benefits and medical treatment.

Respondent and its insurance carrier failed to appear at the Preliminary Hearing and thus did not cross-examine the claimant nor present any contradictory evidence. The Appeals Board finds that the claimant's testimony was not improbable, unreasonable or untrustworthy and therefore affirms the Administrative Law Judge's Preliminary Hearing Order. See Anderson v. Kinsley Sand & Gravel, Inc., 221 Kan. 191, 558 P.2d 146 (1976).

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order entered by Administrative Law Judge Floyd V. Palmer on March 9, 1995, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Donald Strole, Lawrence, KS
Jeffrey Austin, Overland Park, KS
Floyd V. Palmer, Administrative Law Judge
George Gomez, Director